

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior claims, and listings of claims, in the application:

Listing of Claims:

Claims 1-3 (cancelled)

Claim 4 (currently amended): A light emitting device comprising:

a light emitting element[~~,~~] disposed on a base member; and

a phosphor layer formed by filling and solidifying a resin with a viscosity in the range of 0.1 to 10 Pa·s, the phosphor layer having a phosphor that emits visible light upon being excited by light emitted from the light emitting element and ~~includes~~ including phosphor particles[~~,~~] which are secondary particles having a particle diameter in a range of 5 to 10μm that are formed by the binding of small particles of the phosphor in a crystal growth process and have a particle diameter in a range of 5 to 10μm.

Claim 5 (cancelled)

Claim 6 (cancelled)

Claim 7 (previously presented): The light emitting device according to Claim 4, wherein the light emitting element includes a light emitting diode element that emits a blue light, and the phosphor includes a yellow to orange light emitting phosphor that emits yellow light or orange light upon being excited by the blue light emitted from the light emitting diode element.

Claim 8 (cancelled)

Claim 9 (currently amended): An illuminating device, comprising:

the a light emitting device according to Claim 4 including a light emitting element disposed on a base member and a phosphor layer formed by filling and solidifying a resin with a viscosity in the range of 0.1 to 10 Pa·s, the phosphor layer having a phosphor that emits visible light upon being excited by light emitted from the light emitting element and including phosphor particles having a particle diameter in a range of 5 to 10 μ m that are formed by the binding of small particles of the phosphor in a crystal growth process; and

a lens disposed on the base member.

Claim 10 (cancelled)

Claim 11 (new): A light emitting device according to Claim 4, wherein the phosphor layer includes phosphor particles with a particle size distribution in which two or more peaks are present.